

Serial No.: 10/565,274
Docket No.: 28955.4041

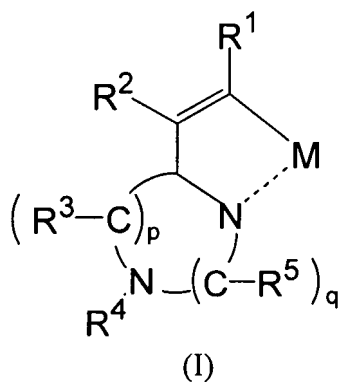
REMARKS

Claims 1-8 remain herein.

Applicants thank the Examiner for the telephonic interview conducted on November 4, 2008. During the interview agreement was reached that Ma et al. U.S. Patent 6,687,266 does not disclose applicants' claimed metal complex compound having formula (I) with the proviso that when p is 0 and q is 2, the plurality of R^5 's do not bond to each other to form a ring structure. The arguments made during the interview are included in the remarks below herein.

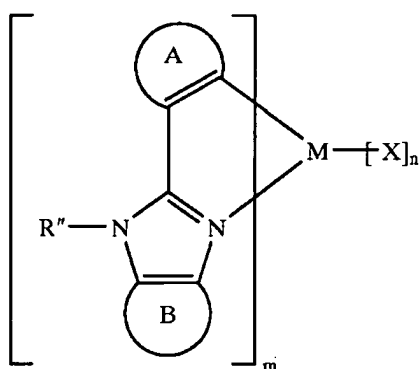
Claims 1-8 were rejected under 35 U.S.C. § 102(e) over Ma et al. U.S. Patent 6,687,266.

Applicants' claim 1 recites a metal complex compound having a partial structure represented by the following general formula (I):

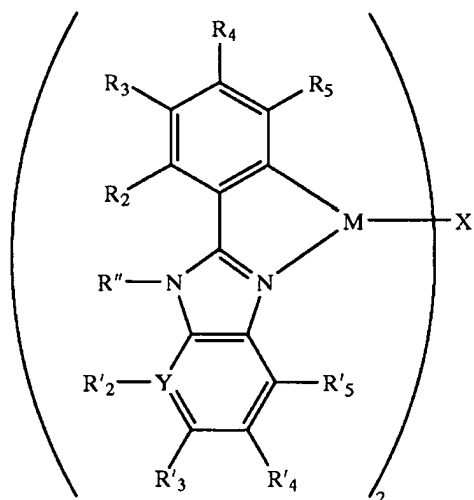


with the proviso that when p is 0 and q is 2, the plurality of R^5 do not bond to each other to form a ring structure.

Ma '266 does not disclose applicants' claimed metal complex compound. Ma discloses materials having the following structures:



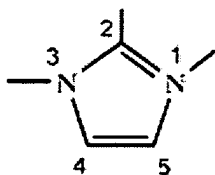
Ma's Formula (3)



Ma's Formula (7)

See Ma '266 Abstract and column 11, lines 9-30. Thus, in Ma '266, *p* is 0 and *q* is 2 but B, which is an aryl ring, forms a ring structure unlike the plurality of applicants' R⁵ groups.

The Office Action states that Ma also discloses that a plurality of R⁵s may not bond to form a ring structure. However, Ma's Formulae (3) and (7) require an aryl group connected to the the 4- and 5- carbon atoms of the imidazole ring (see the B group in Ma's Formula (3) and the aryl ring including a Y atom in Ma's Formula (7)) (the imidazole ring is reproduced below).



On the other hand, applicants' claimed proviso requires that when *p* is 0 and *q* is 2 (i.e. when applicants' metal complex compound includes an imidazole ring), the plurality of R⁵s do

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not bond to each other to form a ring structure. Thus, unlike Ma, when applicants' metal complex compound includes an imidazole ring there is no aryl ring connected to the 4- and 5-carbon atoms of the imidazole ring.

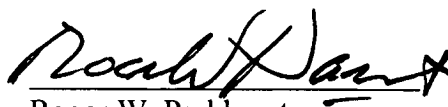
Thus, Ma '266 does not disclose all elements of applicants' claims, and therefore is not a proper basis for a rejection under 35 U.S.C. § 102(e).

For the foregoing reasons, all claims 1-8 are now fully in condition for allowance, which is respectfully requested. The PTO is hereby authorized to charge or credit any necessary fees to Deposit Account No. 19-4293. Should the Examiner deem that any further amendments would be desirable in placing this application in even better condition for issue, he is invited to telephone Applicant's undersigned representative.

Respectfully submitted,

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